

REMARKS/ARGUMENTS

Responsive to the Office Action of May 14, 2007, Applicant has amended Claim 1 to more clearly distinguish the claim over the prior art. Dependent Claims 2 and 3 have been canceled and the remaining dependent claims have been appropriately amended to depend correctly from Claim 1. Reconsideration for allowance of the claims pending in this application, per this amendment, is requested for the reasons set forth hereinbelow.

In the Office Action Claims 1 through 3, 6, 14, 15 and 17 have been rejected under 35 U.S.C. 103(a) as being unpatentable over the teaching/disclosure of U.S. Patent 5,794,212 to Mistr, Jr. in view of U.S. Patent 5,974,403 to Takriti et al. and further in view of U.S. Patent 3,661,542 to Collins. In the Office Action, the Examiner mentions that the Mistr, Jr. reference does not explicitly disclose several steps including determining a quantity of gas to be purchased, acquiring funds to pay for the gas, providing payment by the intermediary for the gas and taking title to the gas, determining gas deliverability capacity, collecting payments by the intermediary entity and conducting one of repayment and rollover of debt instruments.

However, the Examiner states that Takriti et al. discloses a power trading method disclosing the first three mentioned of those steps. Applicant respectfully submits that Takriti et al. fails to disclose the step of determining a quantity of natural gas to be purchased based at least in part on historic demand for gas in a geographic territory served by a utility and further assessing the risk of receiving payment from the utility by an intermediary entity based on selected parameters of the geographic territory, as now required by the steps of Claim 1. Applicant respectfully submits that the general statement in Takriti et al. of a computer implemented process for forecasting spot market prices, trading transactions at different delivery points, providing a decision maker with probabilistic distributions for spot prices and trading so that risks can be managed efficiently does not disclose or suggest the step of

assessing the risk of receiving payment by a financing intermediary entity from a utility based on selected parameters of a geographic territory served by the utility.

Since Claim 1 has been amended to include the recitation, essentially, of Claims 2 and 3, Applicant will address the rejection of Claim 3 in the Office Action wherein the Examiner points to column 2, lines 23 through 26 of the Takriti et al. reference. This particular description in the disclosure of Takriti et al. merely states that demand and supply in the market are functions of volatile electricity prices which in turn depend on highly unpredictable elements such as regional weather conditions and fuel prices. Applicant respectfully submits that this statement in Takriti et al. would not lead one to use such information in assessing the risk of receiving payment by a financing intermediary from a utility based on selected parameters within a geographic territory which has been identified for determining a quantity of natural gas to be purchased.

Further with regard to the steps set forth in Claim 1, Applicant respectfully submits that the disclosure in the Collins reference of a method for short term storage of natural gas which is automatically responsive to consumer demand by liquefying the gas in storage at low consumption times and allowing the boiling point of the gas to be reached or exceeded in periods of high consumption would not lead one to provide in a method for acquiring and distributing natural gas financed by an intermediary entity, the process step of making selected measurements of gas pressure at a storage facility to provide for scheduling repayment and rollover of debt instruments. This step, together with the steps of assessing the risk of receiving payment from a utility by a financing intermediary entity, as required by Claim 1, is clearly not disclosed in any of the references.

Still further, with regard to the Examiner's position as to the disclosure or teaching of Takriti et al., Applicant respectfully submits that Takriti et al. does not disclose or

teach the step of providing payment by an intermediary entity for natural gas and taking title to the gas by the intermediary entity. The Examiner points to column 2, lines 41 through column 3, line 6 of Takriti et al. and, in particular, singles out the recitation of: "one of the ISO responsibilities is to settle financially with the parties involved in transmitting electric power". Applicant respectfully submits that the rather general statement in the prior art of settling financially with parties involved in transmitting electric power is not the same as nor suggestive of the step of a financing intermediary entity paying for natural gas and taking title to the gas. Taking title to gas by an intermediary entity is different from the general statement of responsibilities for settling financially with parties involved in transmitting electric power. Applicant is not sure how one could take title to electricity. However, Applicant respectfully submits that the step of taking title to a quantity of natural gas, which can of course be done, gives the intermediary entity further control over the process and some assurance of maintaining a security interest in the product involved in the process.

Applicant respectfully submits that the rejection of Claim 1, in particular, based on the prior art cited by the Examiner, when viewed collectively, is in error because the art does not provide all of the steps set forth in the claim. In fact, the Examiner states, for example, that the references do not explicitly disclose the steps of acquiring funds to pay for the gas purchased by the intermediary entity by issuing debt instruments and conducting one of repayment and rollover of debt instruments at maturities but that these steps are notoriously old. However, the overall combination of steps of Claim 1 which leads to the steps of acquiring funds and conducting one of repayment and rollover of debt instruments utilizing such funds is also not disclosed in or suggested by the prior art. Reconsideration for allowance of Claim 1, as now presented, is respectfully requested.

Appl. Ser. No. 09/805,959
Amendment Dated June 20, 2007
Reply to Office Action of May 14, 2007

Claims 4 through 17 remain in the application dependent on Claim 1, directly or indirectly, and reconsideration for allowance of Claims 4 through 17 is requested at least for the reasons set forth above in support of the patentability of Claim 1.

Applicant has made a further diligent effort to advance the prosecution of this application by amending the single independent claim and by pointing out with particularity herein how Claim 1 distinguishes patentably over the prior art. Accordingly, an early Notice of Allowance of Claims 1 and 4 through 17 is respectfully solicited.

Respectfully submitted,

Date: 06/20/07

Michael E. Martin
Michael E. Martin
Registration No. 24,821
Agent for Applicant

Gardere Wynne Sewell LLP
1601 Elm Street, Suite 3000
Dallas, Texas 75201-4761
Phone (214) 999-4052
Fax (214) 999-3052

DALLAS 1802762v1